

CHARLOS TOWNSITE, BLOCK 22, LOT 9, AP (GRIGSBY FAMILY REVOCABLE TRUST)
FOUR-LOT MINOR SUBDIVISION

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick *RF*

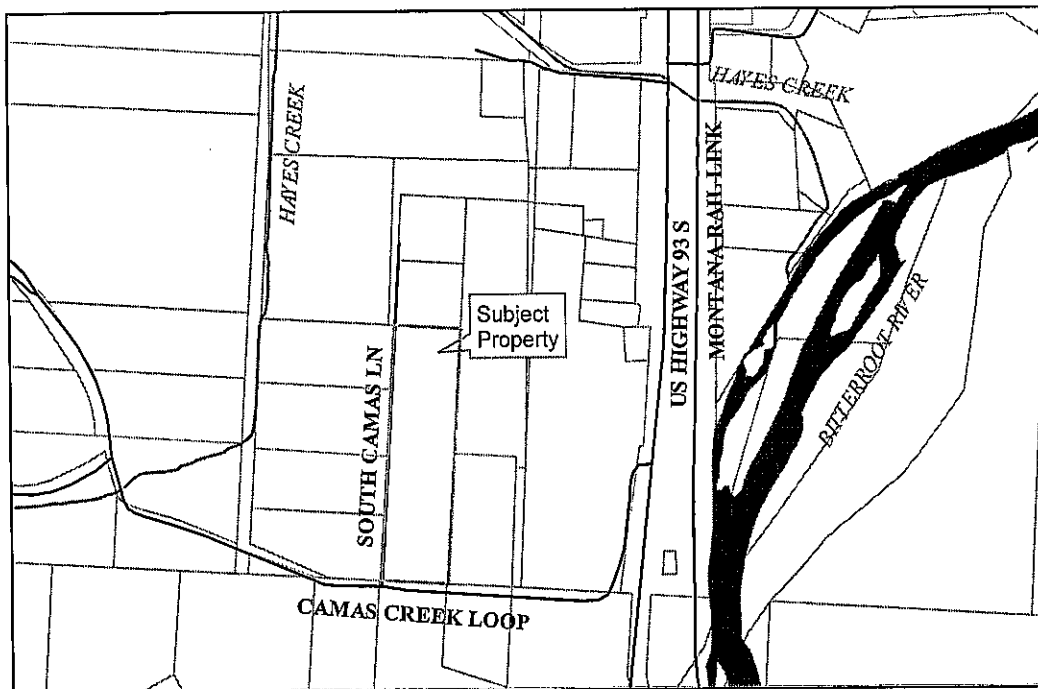
**REVIEWED/
APPROVED BY:** Renee Lemon *RL*

PUBLIC MEETINGS: BCC Public Meeting: 9:00 a.m. November 8, 2007
Deadline for BCC action (35 working days): November 20, 2007

SUBDIVIDER: Grigsby Family Revocable Trust
1852 South Camas Lane
Hamilton, MT 59840

REPRESENTATIVE: Professional Consultants, Inc.
1713 N. 1st Street
Hamilton, MT 59840

LOCATION OF REQUEST: The property is located south of Hamilton off Camas Creek Loop.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A portion of the SE ¼ of Section 3, T4N, R21W, P.M.M., Ravalli
County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on September 28, 2007. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-7 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated October 15, 2007. One public comment has been received to date. (Exhibit B).

**DEVELOPMENT
PATTERN:**

Subject property:	Low Density Residential
North:	Low Density Residential
South:	Low Density Residential
East:	Low Density Commercial
West:	Low Density Residential

INTRODUCTION

The Charlos Townsite, Block 22, Lot 9, AP minor subdivision is a four-lot subdivision of 10.01 acres located south of Hamilton. The proposed development is located in an area of mixed residential and commercial uses. All lots are proposed for residential uses. The area is currently developed at a low to medium density with lot sizes consistent with the proposal.

Staff recommends conditional approval of the subdivision proposal.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along South Camas Lane. (Application)
2. *Existing and proposed utility easements are required to be shown on the final plat. (Requirement 14)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed from US Highway 93 by Camas Creek Loop and South Camas Lane. (Application)
2. Camas Creek Loop is a County-maintained road. (Exhibit A, RCSR)
3. South Camas Lane is a privately-maintained road. A 60-foot wide public access and utility easement agreement has been filed for South Camas Lane. The easement is centered on the western property boundary of the subdivision. (Application and Document # 590980)
4. The preliminary plat labels a 10-foot strip of the easement granted in Document #590980 along the eastern boundary of Charlos Townsite, Block 22, Lot 1 as "Proposed 10' Strip of Roadway and Utility Easement to be Vacated." Through conversations with Professional Consultants, Inc., staff understands that the owner of Lot 1, Jim Darr, would like that 10 feet of easement vacated. The applicant appears to be proposing to contribute an additional 10 feet of easement along the western boundary of the proposed Lots 9A through 9D, but this is not clear within the application. (Exhibit A-6)
5. The applicant is proposing to improve South Camas Lane to meet County standards. The Ravalli County Road and Bridge Department has issued preliminary approval of the road plans. (Application)
6. *To ensure legal and physical access to the subdivision via Camas Creek Loop and South Camas Lane, the following requirements shall be met:*
 - *The applicant is required to pay the pro rata share of the cost to improve the portion of Camas Creek Loop leading to the subdivision prior to final plat approval. (Requirement 33)*
 - *Prior to final plat approval, the subdivider shall submit a copy of the recorded 60-foot wide public road and utility easement for the entire length of South Camas Lane leading to the subdivision (Document #590980 or an updated easement document) (Requirement 34)*
 - *The easement for South Camas Lane shall be labeled as a 60-foot wide public road and utility easement on the final plat. (Requirement 14)*
 - *Final approval from the Ravalli County Road and Bridge Department that the South Camas Lane was constructed to meet County standards. This packet shall include final road plans and grading and storm water drainage plan, a road certification for South Camas Lane, and a final letter of approval from the Ravalli County Road and Bridge Department. (Requirement 25)*

Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided on Camas Creek Loop and South Camas Lane.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Requirement 32):

- The portion of South Camas Lane leading to the subdivision shall meet County standards
- A stop sign shall be installed at the intersection of South Camas Lane and Camas Creek Loop
- A road name sign shall be installed for South Camas Lane

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. The property has water rights through the Charlos Heights Irrigation District. Currently the northern portion of the property (Lots 9A and 9B) is being irrigated by a privately-installed irrigation pipe. The southern portion of the property (Lots 9C and 9D) has not been irrigated in the past because of the lack in slope. The applicant had a phone conversation with Leonard Lindquist of Charlos Heights Irrigation District on October 24, 2006. Mr. Lindquist stated that all existing irrigation pipelines serving this subdivision are private. The Charlos Heights Irrigation District holds the water rights and property owners pay for the irrigation water via an annual assessment. (Application)
2. The applicant submitted a preliminary irrigation plan that proposes to provide Lots 9A and 9B with irrigation water. (Application)
3. Per a phone conversation on September 25, 2007, with Leonard Lindquist of Charlos Heights Irrigation District, Leonard stated he had no objection to the proposed irrigation plan. (Exhibit A-4)
4. *To ensure that the provisions in 76-3-504(1)(j), MCA, the applicant shall submit a master irrigation plan with the final plat application that is signed and notarized. In addition to the required provisions in Section 3-1-5(a)(xxxv), the applicant shall also provide a detailed description of the existing water rights and contact information for the Charlos Heights Irrigation District.. (Requirement 28)*

Conclusion of Law

With the requirements of final plat approval, the provisions in 76-3-504(1)(j), MCA, will be met.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited in 76-3-504(1)(k) MCA.
2. The existing irrigation pipe along the western boundary of Lots 9A and 9B terminates on Lot 9B. The applicant is proposing a 10-foot wide irrigation easement centered on the irrigation pipe. (Application)
3. *To ensure that the appropriate irrigation easements are in place and future owners are aware they cannot plant or build within the easements, MCA, the following requirement and condition shall be met prior to final plat approval:*
 - *The 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Requirement 15)*
 - *A notification of this restriction shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite has been met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Finding of Fact

Chapter 6 of the RCSR allows for either a land donation/dedication or cash-in-lieu of parkland donation/dedication for minor subdivisions beginning October 1, 2007, as amended in MCA 76-3-621. This proposal was deemed sufficient prior to that date. There is no parkland requirement associated with this proposal.

Conclusion of Law

This requirement is not applicable.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat appears to meet the design standards in Chapter 5 of the RCSR.
2. The road design has been approved by the Ravalli County Road and Bridge Department and meets the applicable standards in the RCSR.
3. This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County.

Conclusions of Law

This proposal appears to comply with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property.

Conclusion of Law

There are no covenants that apply to this property.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the updated pre-application conference held on April 5, 2006.

Conclusion of Law

The application appears to meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 10.01 acres will result in 4 lots that range in size from 2.49 acres to 2.51 acres. The property is located approximately 8.0 miles south of the city of Hamilton off U.S. Highway 93 and Camas Creek Loop. (Application)
2. Parcels adjacent to the south of the subject property are classified for tax purposes as agricultural rural and farmstead rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. The property is not currently being used for agricultural purposes, although it has been used for hay production in the past. (Application)
4. There are no soils on the property that are listed as Prime Farmland Soils. There is Farmland of Statewide Importance that covers about 40% of Lot 9B. (U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated ox-eyed daisy and tall buttercup were scattered on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)

7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*

- A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
- The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Requirement 23)*
- A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusions of Law:

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The property has water rights (1" per acre for approximately 10 acres) through the Charlos Heights Irrigation District. Currently the northern portion of the property (Lots 9A and 9B) is being irrigated by a privately-installed irrigation pipe. The southern portion of the property (Lots 9C and 9D) has not been irrigated in the past because of the lack in slope. The applicant had a phone conversation with Leonard Lindquist of Charlos Heights Irrigation District on October 24, 2006. Mr. Lindquist stated that all existing irrigation pipelines serving this subdivision are private. The Charlos Heights Irrigation District holds the water rights and property owners pay for the irrigation water via an annual tax assessment. (Application)
2. The applicant is proposing to divide the water rights between Lots 9A and 9B. Lots 9C and 9D will not receive any rights due to the difficulty in physically providing the lots with water. The applicant has submitted a preliminary irrigation plan and is proposing a 10-foot wide irrigation easement centered on the pipe. (Application)
3. Per a phone conversation on September 25, 2007, with Leonard Lindquist of Charlos Heights Irrigation District, Leonard stated he had no objection to the proposed irrigation plan. (Exhibit A-5)
4. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
 - The notifications document filed with the final plat shall include a statement clarifying that only Lots 9A and 9B have water rights. (Condition 1)*
 - The notifications document filed with the final plat shall include a notification of the irrigation facilities and easement on Lots 9A and 9B. (Condition 1)*
 - The applicant shall submit a master irrigation plan with the final plat application. In addition to the required provisions in Section 3-1-5(a)(xxxv), the applicant shall also provide a detailed description of the existing water rights and contact information for the Charlos Heights Irrigation District. (Requirement 28)*
 - The 10-foot wide irrigation easement shall be shown on the final plat, as proposed on the preliminary plat. (Requirement 15)*

Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Hamilton Rural Fire District. (Application)

2. The Hamilton Rural Fire District has adopted Fire Protection Standards, which address access, posting of addresses, and water supply requirements. The Fire District also recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-3)
3. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation from the Hamilton Rural Fire District stating that houses within this subdivision should be built to International Residential Building Code (IRBC) building standards. Further, the Hamilton Rural Fire District requests that any commercial buildings be constructed to meet state building code requirements. (Condition 2)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Hamilton Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The Hamilton Rural Fire District has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (Condition 6)*

School District

4. With this subdivision, it is estimated that approximately 2 school-aged children will be added to the Darby School District, assuming an average of 0.5 children per household. (Census 2000)
5. The applicant is proposing to contribute \$500 per lot for each lot in the subdivision to the Darby School District prior to final plat approval. (Exhibit A-7)
6. Notification letters were sent to the Darby School District requesting comments on August 15, 2007 and October 15, 2007, but no comments have been received from the School District. (Subdivision File)
7. *To mitigate impacts on the School District, the applicant shall submit a letter or receipt from the Darby School District stating that they have received an (amount) per-lot contribution prior to final plat approval. (Condition 7) (Staff Note: Since the applicants and the School District did not agree on an amount, the applicants' proposal is not based on any facts, staff recommends that the BCC negotiate an amount with the applicants and include the appropriate finding(s) supporting the amount in their decision.)*

Water and Wastewater Districts

8. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Application)

Law Enforcement

9. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Application)
10. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on August 15, 2007 and October 15, 2007, but no comments have been received from the Sheriff's Office. (Subdivision File)
11. This proposed subdivision is located 9 miles from the Sheriff dispatch. (Application)
12. The applicant is proposing to contribute \$250 per lot for each lot in the subdivision to the Sheriff's Office prior to final plat approval. (Exhibit A-7)

13. *To mitigate impacts on law enforcement, the subdivider shall submit an (amount)per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. (Condition 8)*

Emergency Services

14. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. Marcus Daly was contacted but no comments have been received to date. (Subdivision File)
15. *To mitigate impacts on emergency services, the subdivider shall meet the following conditions and requirement:*
- *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
 - *A road name sign shall be installed for South Camas Lane. (Condition 9)*

Solid Waste Services

16. Bitterroot Disposal provides solid waste service to this site. (Application)
17. Notification letters were sent to Bitterroot Disposal requesting comments on August 15, 2007 and October 15, 2007, but no comments have been received. (Subdivision File)

Utilities

18. The proposed subdivision will be served by Northwestern Energy and Qwest Communications. (Application)
19. Notification letters were sent to both utility companies requesting comments on August 15, 2007 and October 15, 2007, but no comments have been received by either company. (Subdivision File)
20. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Requirement 14)*
 - *The applicant shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Requirement 26)*

Roads

21. There are four proposed single family residential lots within this subdivision. It is estimated at build-out that this subdivision will generate a total of 24 additional vehicular trips per day, assuming 8 trips per day per single-family dwelling. (Application)
22. Camas Creek Loop, a County-maintained road, and South Camas Lane, a privately-maintained road, provide access to the subdivision from US Highway 93. (Exhibit A, RCSR)
23. The applicants are proposing to improve South Camas Lane to meet County standards. (Application)
24. There is not an existing road maintenance agreement for South Camas Lane. A preliminary road maintenance agreement was provided in the application. (Application)
25. The applicant owns Lots 5A-1, 6A, and Lot 7A-1. (Ravalli County Cadastral Database)
26. A stop sign is proposed on South Camas Creek at its intersection with Camas Creek Loop. (Plat)
27. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
- *The applicant shall pay the pro rata share of the cost to improve the portion of Camas Creek Loop leading to the subdivision to meet County standards prior to final plat approval. (Requirement 33)*
 - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ (Requirement 22)*
 - *Final approval from the Ravalli County Road and Bridge Department that the South Camas Lane was constructed to meet County standards. This packet shall include final road plans and grading and storm water drainage plan, a road certification for South Camas Lane, and a final letter of approval from the Ravalli County Road and Bridge Department. (Requirement 25)*

- *Prior to final plat approval, the subdivider shall submit a copy of the recorded 60-foot wide public road and utility easement for the entire length of South Camas Lane leading to the subdivision (Document #590980 or an updated easement document) (Requirement 34)*
- *A road maintenance agreement shall be signed, notarized, and submitted for South Camas Lane. (Requirement 27)*
- *A notification of the road maintenance agreement for South Camas Creek Loop shall be included in the notifications document filed with the final plat. (Condition 1)*
- *The Road Maintenance Agreement for the internal subdivision road(s) shall state that other parcels that may have beneficial use of the internal subdivision road(s) shall be allowed to join as members of the agreement without the consent of the current members. (Condition 10)*
- *Lots 5A-1, 6A, and 7A-1 of Charlos Townsite, Block 22, Lot 9, which are owned by the applicant, shall be party to the road maintenance agreement. (Condition 11)*
- *The easement for South Camas Lane shall be labeled as a 60-foot wide public road and utility easement on the final plat, as recorded in Document #590980 or in an updated easement document recorded and submitted with the final plat. (Requirement 14)*
- *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
- *The stop sign shall be installed prior to final plat approval. (Requirement 32)*
- *The final plat shall show a no-ingress/egress zone along the Camas Creek Loop frontage of Lot 9D and a notification of the no-ingress/egress zone shall be included in the notifications document. (Requirement 14 and Condition 1)*
- *A road approach permit for the change in use of the approach for South Camas Lane from the Ravalli County Road and Bridge Department shall be submitted with the final plat. (Requirement 24)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision would add three new homes to an area of existing low density development between the Town of Darby and the City of Hamilton. The subject parcel is currently predominately surrounded by residential and commercial uses. (2004 Aerial Photograph and Site Visit on 7/10/07)
2. This parcel is relatively flat with slopes less than 2% across the property. (Application)
3. In an email dated January 10, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could be vehicles, and/or wood-burning stoves. There are no gravel roads accessing the subdivision. (Exhibit A-4)
4. *To mitigate impacts on air quality, a recommendation for EPA-certified wood stoves shall be included in the covenants. (Condition 2)*

Ground Water Quality

5. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)

6. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 21)*

Surface Water Features

7. There are no streams, rivers, riparian areas or wetlands on or adjacent to the property. The subdivision is located approximately 1/4 of a mile from the Bitterroot River. (Application, Site Visit, GIS data, Exhibit A-1)

Light Pollution

8. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
9. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

10. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated ox-eyed daisy and tall buttercup were scattered on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds.
11. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board.
12. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Application).
13. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Noise Levels

14. In a letter from FWP, they recommend a covenant to address the following issue: This subdivision is about one-quarter mile from the extensive riparian areas associated with the Bitterroot River and its slough, where waterfowl hunting could be expected to occur, and there is potential for conflict between the noise from hunting and residents of this subdivision. (Exhibit A-1)
15. *To mitigate impacts of the subdivision being in close proximity to noise from hunting along the Bitterroot River, a notification of the potential noise shall be included in the covenants. (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. In a letter received August 29, 2007, FWP stated that this property has a high likelihood of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-1)
2. The property is not located within big-game winter range. (FWP)
3. According to the Montana Natural Heritage Program, the Westslope Cutthroat Trout, Olive-sided Flycatcher, and Canada Lynx were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. The subdivider requested and

received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property for all species. (Application)

4. *To mitigate impacts on wildlife, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Camas Creek Loop and South Camas Lane from US Highway 93. (Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Hamilton Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Application)
4. *The requirements and conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
6. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 21)*

Natural and Man-Made Hazards

7. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
8. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
9. *To mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. (Condition 2)*
10. The preliminary plat and soils map indicate that the subdivision may have soils rated as "Very Limited" for road and building construction. To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for Very Limited soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as Very Limited for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Plat, Application)
11. *To mitigate impacts on public health & safety, the notifications to future landowners shall include a statement regarding severe soils on the property. (Condition 1)*
12. Lot 9B currently has a temporary 30 foot by 150 foot borrow pit that was created for the construction of South Camas Lane. This open pit presents a danger to the public health and safety of the areas residents, especially small children. (Application)

13. *To mitigate impacts on public health & safety, the temporary borrow pit located on Lot 9B shall be filled in prior to final plat approval. (Condition 12)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

PLANNING STAFF RECOMMENDED MOTION

That the Charlos Townsite, Block 22, Lot 9, AP Minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

PLANNING STAFF RECOMMENDED CONDITIONS

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v)(A), RCSR, Impacts on Agriculture*)

Notification of Water Rights. Lots 9A and 9B within this subdivision have irrigation rights from the Charlos Heights Irrigation District. Lots 9C and 9D within the subdivision do not have irrigation rights. Taking water without a water right for any purpose is illegal. (*Section 3-2-8(b)(v)(B), RCSR, Impacts on Agricultural Water User Facilities*)

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. The filed subdivision plat shows the irrigation easements on the property. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders and those acting with the approval of the Charlos Heights Irrigation District have the right to use the easements to maintain the ditches. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Impacts on Agricultural Water User Facilities*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Camas Creek Loop frontage of this subdivision, excepting the approved approach for the internal subdivision road. All lots within this subdivision must access off the internal subdivision road, South Camas Lane. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Section 3-2-8(b)(v)(B), RCSR, Impacts on Local Services and Public Health and Safety*)

Notification of Road Maintenance Agreement. The internal subdivision road, South Camas Lane, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Road Maintenance Agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Impacts on Local Services*)

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document [the subdivider shall include the exhibits as attachments]. (*Section 3-2-8(b)(v), RCSR, Impacts on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Impacts on Local Services)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife, must accept responsibility for protecting their vegetation from damage, and must confine their pets and properly store garbage, pet food, and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, coyote, fox, raccoon and skunk, as well as occasional black bear and mountain lion, could be expected in this area. Please contact the Montana Fish, Wildlife and Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at www.fwp.mt.gov. (Section 3-2-8(b)(v)(A), RCSR, Impacts on Agriculture and Wildlife & Wildlife Habitat)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from elk and deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. If stored indoors, do not set garbage cans out until the morning of garbage pickup and bring them in no later than that evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public

safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed in bird feeders** attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and elk becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- k. Purchasers of lots within this subdivision must recognize that this subdivision is near the Bitterroot River where lawful **waterfowl hunting** and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
- l. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v), RCSR, Impacts on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of

radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Impacts on Public Health & Safety*)

Control of Noxious Weeds. A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Impacts on Agriculture and Natural Environment*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Hamilton Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The Hamilton Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information. (*Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety*)

Building Standards. The Hamilton Rural Fire District recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. Further, the Hamilton Rural Fire District requests that any commercial buildings be constructed to meet state building code requirements. For more information, contact the Hamilton Rural Fire District at PO Box 1994, Hamilton, MT 59840. (*Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety*)

Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. (*Section 3-2-8(b)(v), RCSR, Impacts on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Impacts on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Impacts on Local Services*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety*)

5. Prior to final plat approval, the subdividers shall provide a letter from the Hamilton Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The Hamilton Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Darby School District stating that they have received an (amount) per-lot contribution prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services)*
8. The subdivider shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office and provide the receipt prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health and Safety)*
9. A road name sign shall be installed at the intersection of South Camas Lane and Camas Creek Loop prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services and Public Health and Safety)*
10. The Road Maintenance Agreement for the internal subdivision road(s) shall state that other parcels that may have beneficial use of the internal subdivision road(s) shall be allowed to join as members of the agreement without the consent of the current members. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services)*
11. Lots 5A-1, 6A, and 7A-1 of Charlos Townsite, Block 22, Lot 9, which are owned by the applicant, shall be party to the road maintenance agreement for South Camas Lane. *(Section 3-2-8(b)(v), RCSR, Impacts on Local Services)*
12. The temporary borrow pit located on Lot 9B shall be filled in prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Impacts on Public Health and Safety)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

13. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied. (Section 3-4-4(a))
14. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. The features listed in Section 3-4-4(a)(ii) are required on the Final Plat. Following are specific features related to this subdivision:
 - a) Existing and proposed utility easements, as shown on the preliminary plat, shall be shown on the final plat.
 - b) The easement for South Camas Lane shall be labeled as a 60-foot wide public road and utility easement on the final plat, as recorded in Document #590980 or in an updated easement document recorded and submitted with the final plat.
 - c) The 10-foot wide irrigation easement shall be shown on the final plat, as shown on the preliminary plat.
 - d) The final plat shall show a no-ingress/egress zone along the Camas Creek Loop frontage of Lot 9D and a notification of the no-ingress/egress zone shall be included in the notifications document, as referenced above in Condition 9.
 - e) The existing irrigation pipe shall be shown on the final plat, as shown on the preliminary plat.
15. The original copy of the preliminary plat decision shall be submitted with the final plat submittal. (Section 3-4-4(a))
16. Any variance decisions shall be submitted with the final plat submittal. (None have been requested at this time) (Section 3-4-4(a))
17. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal. (Section 3-4-4(a))
18. The final plat review fee shall be submitted with the final plat submittal. (Section 3-4-4(a))
19. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal. (Section 3-4-4(a))
20. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal. (Section 3-4-4(a))
21. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal. (Section 3-4-4(a))
22. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal. (Section 3-4-4(a))
23. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal. (Section 3-4-4(a))
24. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal. (Section 3-4-4(a))
25. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal. (Section 3-4-4(a))

26. Utility availability certification(s) shall be submitted with the final plat submittal. (Section 3-4-4(a))
27. A road maintenance agreement, signed and notarized, shall be submitted with the final plat submittal for Camas Lane. (Section 3-4-4(a))
28. The applicant shall submit a master irrigation plan with the final plat application that is signed and notarized. In addition to the required provisions in Section 3-1-5(a)(xxxv), the applicant shall also provide a detailed description of the existing water rights and contact information for the Charlos Heights Irrigation District. (Section 3-4-4(a))
29. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal. (Section 3-4-4(a))
30. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal. (Section 3-4-4(a))
31. A copy of the letter sent to the Darby School District stating the applicant has made or is not willing to make a voluntary contribution (to be determined) to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal. (Section 3-4-4(a))
32. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.) (Section 3-4-4(a)) The following improvements have been approved through this proposal:
 - The applicant shall improve South Camas Lane to meet County standards (addressed above).
 - A stop sign shall be installed at the intersection of South Camas Lane and Camas Creek Loop.
 - A road name sign shall be installed for South Camas Lane.
33. The applicant shall pay the pro rata share of the cost to improve the portion of Camas Creek Loop leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
34. Prior to final plat approval, the subdivider shall submit a copy of the recorded 60-foot wide public road and utility easement for the entire length of South Camas Lane leading to the subdivision (Document #590980 or an updated easement document) (Sections 5-4-5(a) and (e), RCSR)



Montana Fish, Wildlife & Parks

RECEIVED

AUG 29 2007
JC - 07-08-1102
Ravalli County Planning Dep

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
August 28, 2007

Randy Fifrick, Assistant Planner
Ravalli County Planning Department
215 S. 4th St., Ste F
Hamilton, MT 59840

Reference: Charlos Townsite, Lot 9 (Blk 22; Grigsby)--Proposed minor (4 lots on 10.0 acres) subdivision, Charlos Heights area

Dear Mr. Fifrick:

We have reviewed the preliminary plat and topographic map you provided for this proposed subdivision. We also reviewed this parcel and its surrounds on the Montana Cadastral website (<http://gis.mt.gov/>). Based on this information and our field knowledge of this location, we note and recommend the following:

Wildlife species such as white-tailed deer, coyote, fox, raccoon and skunk, as well as occasional black bear and mountain lion, could be expected in this area. Numerous small mammal and bird species would also be found nearby. There is a high likelihood of human/wildlife conflict at this location--particularly with deer and black bear--if residents do not pay attention to careful handling of garbage, garden/orchard produce, birdseed and other wildlife "attractants," as well as controlling pets.

1. Therefore, we recommend that "living with wildlife" issues be conveyed as development covenants to future residents. Adherence to those guidelines should help residents of this subdivision deal with and avoid conflicts with wildlife. We have enclosed our recommended version of such covenants.
2. This subdivision is about one-quarter mile from the extensive riparian areas associated with the Bitterroot River and its sloughs, where waterfowl hunting could be expected to occur, and there is potential for conflict between the noise from hunting and residents of this subdivision. We have included a covenant (k) to address this issue.

We thank you for providing the opportunity for FWP to comment on this subdivision. (Please contact Sharon Rose at 542-5540 or shrose@mt.gov if you wish to receive an electronic version of these comments.)

Sincerely,

Mack Long
Regional Supervisor

ML/sr

EXHIBIT A-1

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Proposed covenants for Charlos Townsite, Lot 9 (Blk 22; Grigsby) recommended by Montana Fish, Wildlife & Park; Missoula; August 28, 2007

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from elk and deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. If stored indoors, do not set garbage cans out until the morning of garbage pickup and bring them in no later than that evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of

game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed in bird feeders** attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and elk becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- k. Purchasers of lots within this subdivision must recognize that this subdivision is near the Bitterroot River where lawful **waterfowl hunting** and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
- l. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

RECEIVED

SEP 11 2007
IC-07-09-1165
Ravalli County Planning Dept.

Hamilton
Rural Fire
DISTRICT

Post Office Box 1994 Hamilton, MT 59840

September 4, 2007

Randy Fifrick
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840

RE: Agency comment on Charlos Townsite, Block 22, Lot 9, AP Minor Subdivision Proposal

The Hamilton Rural Fire District and the City of Hamilton Fire Chief have reviewed the subdivision proposal, based on the August 15, 2007 information received from Randy Fifrick in regards to the District's ability to provide fire protection services.

To mitigate the impact of the subdivision on the Hamilton Rural Fire District's ability to provide fire protection, and in keeping with our Fire Protection Standards, we request that:

- 1) All buildings are built to IRBC code, and
- 2) All roads within the subdivision are constructed to County standards without any variances.

If the subdivision is designed to the Fire Protection Standards of the Hamilton Rural Fire District we find no negative effects to the provision of adequate fire service protection to the subdivision.

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are other variances, if the information provided is incomplete in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,



Lisa Wade
HRFD Secretary

EXHIBIT A-2

the following information is being furnished to you for your information and use:

The following information is being furnished to you for your information and use:

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SEP 13 2005

Ravalli County Planning Dept.

IC-05-09-1707

Hamilton Rural Fire DISTRICT

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

Renee Van Hoven

From: Karen Hughes
Sent: Thursday, January 11, 2007 8:21 AM
To: Jennifer Degroot; John Lavey; Laura Hendrix; Planning; Renee Van Hoven; Shaun Morrell; Tristan Riddell; Vanessa Perry
Subject: FW: Potential Montana PM2.5 Non-Attainment Areas
Importance: High
Attachments: PM25_NAAQS_MT_Review_Rev.doc

Interesting.

*Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
khughes@ravallicounty.mt.gov*

From: Planning
Sent: Thursday, January 11, 2007 8:15 AM
To: Karen Hughes
Subject: FW: Potential Montana PM2.5 Non-Attainment Areas
Importance: High

From: Jeffrey, Robert [mailto:rjeffrey@mt.gov]
Sent: Wednesday, January 10, 2007 5:22 PM
To: Ben Schmidt; Cascade Sanitarians; Cherry Loney; Dan Dennehy; Dan Powers; Eric Englebert; Jan Scher; Jennifer Pinnow; Jim Carlson; Joe Russell; Kathy Moore; Morgan Farrell; Paul Riley; Rick Larson; Ron Anderson; Russ Boschee; Shannon Therriault; Stephanie Nelson; Ted Kylander; Wendee Jacobs; Andy Hunthausen; Barbara Evans; Bill Carey; BSB Commission; Chris Kukulski; City Commission; City Council; City Council; City Council; City Council; County Commission; County Commission; County Commission; Glenda Wiles; Ed Tinsley; Gary Marks; Jean Curtiss; Jeff Krauss; Jim Smith; Mike Murray; Paul Babb; Planning; Ron Alles; Tim Burton; Andy Epple; Ben Rangel; Bob Horne; Candi Beaudry; Charlie Johnson; Chris Saunders; Cloud, Bill; Cynthia Wulfekuhle; Dave Dobbs; David Mumford; David Ohnstad; Debbie Arkell; Duke, Becky; Eric Griffin; Frank Rives; Gregory Robertson; Helm, Cora; Henry Hathaway; James Hansz; Jason Karp; Jean Pentecost; Jeff Harris; Jim Rearden; Joesph Menicucci; John Rundquist; John VanDaveer; John Wilson; Karen Hughes; Kevin McGovern; Mike Kress; Rick Hixson; Ryan Leland; Scott Walker; Sesso, Jon; Steve King; Steyaert, Tom; Straehl, Sandra; Turner, Dick; Vern Heisler; Zanto, Lynn (MDT); Bob Rebarchik; Craig Glazier; Dan Redline; Dave Grace; Dave Krueger; Dusty Pence; McLeod, Scott; Myron Hotinger; Paul Wagner; Steve Hayes; Thomas Dzomba
Cc: Vidrine, Don; Habeck, Bob; Coefield, John; Erp, Elton
Subject: Potential Montana PM2.5 Non-Attainment Areas
Importance: High

Dear Interested Party:

The U.S. Environmental Protection Agency (EPA) recently revised the National Ambient Air Quality

EXHIBIT A-4

Standards (NAAQS) for particulate matter (PM). As you may know, the NAAQS are standards set to protect public health and welfare. The federal Clean Air Act requires EPA to review the latest scientific information and revise the NAAQS, as needed, for all criteria air pollutants every five years. The final rules for the revised PM NAAQS were published in the Federal Register at 71 FR 61144 on 17 October 2006, and became effective on 18 December 2006.

The Montana Department of Environmental Quality (DEQ) has reviewed the revised PM NAAQS and the ambient air quality data that's been collected around the state for the last several years. DEQ has identified four Montana communities with a high probability of failing to meet new PM NAAQS. Based on air monitoring data collected from 2003 through 2005, DEQ currently projects violations of the 24-hour PM2.5 NAAQS in the Missoula, Libby, Hamilton and Butte areas. The data also indicates that the Helena, Flathead and Gallatin Valleys are dangerously close to violating the 24-hour PM2.5 NAAQS. These projections will be updated as new monitoring data becomes available. The Libby area is currently designated a non-attainment area (NAA) for exceeding the annual standard based on the former 1997 PM NAAQS. I've attached a document summarizing some of the issues with the new PM NAAQS and PM data for several Montana communities.

In late 2008, based on ambient air monitoring data collected in 2005, 2006, and 2007, DEQ must notify EPA as to whether or not local Montana communities are complying with the PM NAAQS. Federally enforceable control plans must be submitted for EPA's approval for those Montana communities found in violation of any NAAQS. In a proactive attempt to prevent the designation of new NAAs, DEQ would like to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particle air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed.

If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

Thank you for your efforts in protecting Montana's clean air resources.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

<<PM25_NAAQS_MT_Review_Rev.doc>>

Phone Conversation between Randy Fifrick and Leonard Lindquist
September 25, 2007

Leonard told me that all irrigation infrastructure within the proposed subdivision is private. The water is taken from Hayes Creek by a private pump and runs through private pipes. Carlos Heights Irrigation District holds the water rights for this property, but all pipes on the property are private. It would be the responsibility of the property owners to repair and maintain any irrigation equipment once the water left Hayes Creek.

Leonard said he had seen the proposed irrigation plan and had no objection to the proposed irrigation plan.

Phone Conversation with Chris Cobb-Taggart and Duncan Jakes, October 31, 2007

Renee Lemon stated it was her understanding that there is currently a 60-foot wide public road and utility easement recorded for South Camas Lane. The easement is centered on the western property boundary of the proposed subdivision. Duncan Jakes stated that with the subdivision approval, his clients wanted to vacate a 10-foot strip of that easement across Lot 1 of Charlos Townsite, Block 22 and add an additional 10 feet of easement along the eastern boundary of the existing easement for South Camas Lane. Duncan explained that the end result would be a 60-foot wide easement from Camas Creek Loop to the northern boundary of proposed Lot 9D and a 70-foot wide easement from Lot 9D to the northern boundary of the subdivision. Renee asked if it was possible for their client to file an updated easement prior to final plat approval. Chris stated that she thought it would be possible.

From: Chris C [mailto:ChrisC@pcimontana.com]
Sent: Thursday, November 01, 2007 8:12 AM
To: Randy Fifrick
Subject: FW: Mitigation for DBLE T & Grigsby

I reviewed the on site photos and did not see a street name sign (see attached photos) for S. Camas Lane. Our road plans include the placement of a street sign

We are proposing the following for both:

\$250/lot for schools

\$500/lot for fire

\$250/lot for sheriff

We can plan on paying them as a final plat approval item if the amounts proposed stays as offered. If the BCC requests more to each entity, we should discuss the opportunity of at first conveyance during the public meeting.

Does that work for you?

From: Randy Fifrick
Sent: Wednesday, October 31, 2007 5:17 PM
To: Chris Cobb-Taggart
Subject: Grigsby

Hi Chris,

I have a few questions as I finish up my staff report:

1. Is there a road sign for South Camas Lane at the approach of Camas Creek Loop currently?
2. Are the voluntary contributions you are proposing going to be paid at final plat approval, upon first conveyance, or at some other time?

Thanks,

Randy Fifrick
Ravalli County Assistant Planner
215 S 4th St, Suite F
Hamilton, MT 59840
406-375-6530
rfifrick@ravallicounty.mt.gov

